

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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BUDD REESE,

Plaintiff,

v.

ROBERT FOXFULKER, *et al.*,

Defendants.

Case No. 2:17-cv-01627-MMD-CLB

ORDER

Plaintiff Budd Reese filed a civil rights complaint under 42 U.S.C. § 1983. Before the Court is the Report and Recommendation (“R&R” or “Recommendation”) of United States Magistrate Judge Carla L. Baldwin (ECF No. 61), recommending that Defendants’ motion for summary judgment (ECF No. 53) be granted. Reese had until September 28, 2021, to file an objection. To date, no objection to the R&R has been filed. For this reason, and as explained below, the Court adopts Judge Baldwin’s R&R and will grant Defendants’ motion for summary judgment.

The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party fails to object to a magistrate judge’s recommendation, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.”) (emphasis in original); Fed. R. Civ. P. 72, Advisory Committee Notes (1983) (providing that the Court “need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”).

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1 Because there is no objection, the Court need not conduct *de novo* review, and is
2 satisfied Judge Baldwin did not clearly err. Here, Judge Baldwin recommends
3 Defendants' motion for summary judgment be granted because Reese did not show the
4 NDOC's "chosen course of treatment was medically unacceptable under the
5 circumstance," and therefore, Reese failed to meet his burden to show an issue of fact
6 that Defendants were deliberately indifferent to Reese's serious medical needs. (ECF No.
7 61 at 9 (quoting *Toguchi v. Chung*, 391 F.3d 1051, 1058 (9th Cir. 2004).) The Court
8 agrees with Judge Baldwin. Having reviewed the R&R and the record in this case, the
9 Court will adopt the R&R in full.

10 It is therefore ordered that Judge Baldwin's Report and Recommendation (ECF
11 No. 61) is accepted and adopted in full.

12 It is further ordered that Defendants' motion for summary judgment (ECF No. 53)
13 is granted.

14 The Clerk of Court is directed to enter judgment accordingly and close this case.

15 DATED THIS 30th Day of September 2021.

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20 MIRANDA M. DU
21 CHIEF UNITED STATES DISTRICT JUDGE
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